

REMARKS

In the Office Action, the Examiner issued an election of species requirement based on the different embodiments illustrated in Figures 1-14 (Species I) and 15-28 (Species II). Applicant's attorney elected Species I in the telephonic election requirement made by the Examiner, which is hereby affirmed.

Claims 13, 14, 16-22, 27-29 and 33 were rejected under 35 USC section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. The Examiner noted certain matters of language giving rise to the rejections under 35 USC section 112, second paragraph, which have been addressed in this response. The claims are thus believed to fully comply with the requirements of 35 USC section 112, and the Examiner's careful review of the claims is noted with appreciation.

Claims 1, 4-6, 9, 10 and 32 were rejected under 35 USC section 102(e) as being anticipated by Jeong published patent application no. US 2002/0117524. Claims 1, 4, 5, 9-13 and 32 were rejected under 35 USC section 102(b) as being anticipated by Graber US patent 4,863,080. Claims 2, 3, 7, 8 and 27-29 were rejected under 35 USC section 103(a) as being unpatentable over Jeong in view of Huang US patent 6,007,053. Claims 2 and 3 were rejected under 35 USC section 103(a) as being unpatentable over Graber in view of Huang. Claim 14 was rejected under 35 USC section 103(a) as being unpatentable over Graber in view of O'Connor US patent 4,298,151. Claims 16-18 were rejected under 35 USC section 103(a) as being unpatentable over Graber in view of O'Connor and further in view of Littlepage et al. US patent 5,385,280. Claims 19 and 33 were rejected under 35 USC section 103(a) as being unpatentable over Graber in view of Pedrini US patent 5,495,970. Claims 20-22 were rejected under 35 USC section 103(a) as being unpatentable over Graber in view of Pedrini, and further in view of Bloemer et

al. US patent 5,573,165. Claims 34-36 were rejected under 35 USC section 103(a) as being unpatentable over Graber in view of Pedrini, and further in view of Ferman published patent application no. US 2002/0047031.

By this response, the claims have been amended in a manner believed to patentably define over the references.

Claim 1 is amended to state that the support includes strap engaging and tensioning means, and that the strap member is engaged with the strap engaging and tensioning means and can be controlled for tensioning the strap member in order to tighten the upper and lower engagement means onto the upper and lower areas, respectively, of the vehicle component. Claim 1 is further amended to call for an adjustable position engagement arrangement between the frame and the support. The adjustable position engagement arrangement is defined as being configured and arranged to enable the vertical position of the support relative to the frame to be adjusted in order to vary the location of the strap member relative to the frame.

In the Office Action, claim 1 was rejected as being anticipated by either Jeong or Graber et al. It is respectfully but vigorously submitted that neither Jeong or Graber et al. show or suggest the subject matter of amended claim 1. Specifically, Jeong and Graber et al. do not contain any disclosure whatsoever of a support that is interconnected with a frame by an adjustable position engagement arrangement, as claimed. In Jeong, the strap housing assemblies 22 are secured to the legs in fixed positions. Upper straps are secured to the rear legs 14, 16 and side straps and lower straps are secured to the front legs 18, 20. There is no showing or suggestion whatsoever in Jeong that the positions of the strap housing assemblies 22 can be adjusted on the legs. In Graber et al., the straps 41 are attached to the foot assemblies at the bracket pivot 19, which may be a bolt, rivet or the

like, and which functions to pivotably mount the foot assemblies to the legs 11. The straps 41 are tightened using buckles 43. The lower tie 31, which may be in the form of a flexible chain, extends below the bumper of the vehicle, and may be extended through an opening in the lower portion of the leg as shown in Fig. 2 and secured in position by a clip 33 that extends through a loop in the chain (column 4, lines 7-11). Upper straps 35 are attached to the frame above the bracket pivot axis. The Graber et al. reference contains no showing or suggestion whatsoever of a support, which includes strap engaging and the tensioning means with which the straps are engaged, in combination with adjustability in the locations of a support on the frame, as claimed.

For the above reasons, it is believed that claim 1 patentably defines over the Jeong and Graber et al. references, and is allowable.

Claims 2-4, 23-26, 30, 31 and 34 depend directly or indirectly from claim 1, and are believed allowable for the above reasons as well as view of the subject matter of each claim.

Claim 5 is amended to define the relationship between the frame, the vehicle engaging member and the support, which includes a strap engaging and tensioning means to which the strap member is secured. Specifically, Claim 5 calls for the support to be connected to the frame or forming a part thereof. Claim 5 is amended to state that the vehicle engaging member is secured to the support such that the support is located between the frame and the vehicle engaging member.

Claim 5 was rejected as being anticipated by either Jeong or Graber et al., neither of which shows or suggests the subject matter of amended claim 5. In this regard, the Jeong reference contains no showing or suggestion whatsoever of a vehicle engaging

means which is secured to a support in combination with a frame to which the support is secured, as claimed. In the Jeong reference, the vehicle is engaged by traction members 52 that are coupled to the ends of the front and rear legs, which form the frame of the carrier. The Jeong reference contains no showing or suggestion whatsoever of a vehicle engaging member other than the frame, and certainly contains no showing or suggestion of a vehicle engaging member that is secured to a support which in turn is secured to the frame, as claimed. The Graber et al. reference shows a bumper engaging foot assembly 16 which is connected directly to the frame. The straps 41, which are tightened using buckles 43, are also connected directly to the frame. Graber et al. contains no showing or suggestion of a support that includes strap engaging and tensioning means, as claimed, and in which the vehicle engaging member in turn is secured to the support such that the support is located between the frame and the vehicle engaging member, also as claimed.

For the above reasons, Claim 5 is believed to patentably define over the Jeong and Graber et al. references, and is allowable. Claims 6-9, 27-29 and 35 depend directly or indirectly from claim 5, and are thus believed allowable for the above reasons as well as in view of the subject matter of each claim.

Claim 10 is amended to state that the frame has an upper portion and a lower portion, and further states that the lower portion of the frame terminates in a lower hook arrangement that is configured to engage a lower edge defined by the movable vehicle component. Claim 10 is further amended to state that the frame and the lower hook arrangement are configured such that engagement of the lower hook arrangement with the lower edge of the movable vehicle component is operable to rigidly connect the lower portion of the frame to the movable vehicle component. Claim 10 further states that the vehicle engaging member, which is connected to the frame, is located above the lower hook arrangement and is configured to engage the movable vehicle component at a

location above the lower edge of the movable vehicle component. Claim 10 is also amended to state that the strap member is interconnected with the frame via a strap member support. The strap member is defined as including upper engagement means for engagement with an upper edge defined by the movable vehicle component. Claim 10 further states that the vehicle engaging member is interconnected with the frame via a pivot connection that defines a transverse pivot axis. Claim 10 is further amended to state that, when the carrier is mounted on the vehicle by engagement at the lower hook arrangement with the lower edge of the movable vehicle component and engagement of the upper engagement means with the upper edge of the movable vehicle component, the vehicle engaging member is engaged with the movable vehicle component in a location therebetween, such that tensioning the strap member induces a tilting action on the frame around the transverse pivot axis which causes the lower hook arrangement of the frame to be urged against the lower edge of the movable vehicle component.

Claim 10 was rejected as being anticipated by either Jeong or Graber et al., neither of which shows or suggests the subject matter of amended claim 10. In this regard, the Jeong reference shows a conventional trunk mount carrier in which the traction members 52 rest on the top surface of the trunk and also rest on the vehicle bumper. When the strap members are tightened, the traction members 52 moved into engagement with the trunk and bumper surfaces. This is in distinct contrast to the subject matter of amended claim, which specifically calls for the frame to include a lower hook arrangement that is engageable with the lower edge of the movable vehicle component, such as the trunk. In Jeong, the frame rests on the bumper and separate lower hooks are secured to the lower edge of the trunk. In addition, in Jeong, there is no vehicle engaging member whatsoever located between the strap member upper engagement means and the lower hook arrangement of the frame, as claimed. In Graber et al., the lower area of the frame is engaged with the underside of the bumper by means of an adjustable tie 31, which may

be in the form of a chain. This is in direct contrast to the subject matter of amended claim 10, which states that the lower portion of the frame terminates in a lower hook arrangement that engages the lower edge of the movable vehicle component such that engagement of the lower hook arrangement with the lower edge of the movable vehicle component rigidly connects the lower portion of the frame to the movable vehicle component. Furthermore, in Graber et al. there is no showing or suggestion of a carrier in which the lower portion of the frame is rigidly secured to the lower edge of the movable vehicle component, in combination with an upper strap that engages the upper edge defined by the movable vehicle component and a vehicle engaging member that is engaged with the movable vehicle component at a location therebetween, as claimed. Rather, in Graber et al., the lower area of the frame is clamped onto a bumper of the vehicle.

Importantly, neither Jeong nor Graber et al. shows or suggests a carrier construction in which the carrier is engaged with the lower edge of the movable vehicle component via the frame and with the upper edge of the movable vehicle components via a strap, with a vehicle engaging member located therebetween, as claimed. This construction enables the carrier to move along with the movable vehicle component when it is moved between open and closed positions. This feature of the invention essentially allows the carrier to be clamped onto the movable vehicle component, so that the user can open and close the movable vehicle component, such as the trunk or hatch door, without the need to remove and then reattach the carrier.

For the above reasons, claim 10 is believed to patentably define over the Jeong and Graber et al. references, and is allowable. Claims 11-22, 33 and 36 depend directly or indirectly from claim 10, and are thus believed allowable for the above reasons as well as a view of the subject matter of each claim.

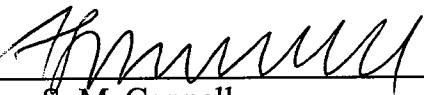
Claim 32 is amended along the same lines as Claim 10. For the reasons noted above with respect to claim 10, it is thus believed that claim 32 also patentably defined over the references, it is allowable.

Applicant's attorney has made every effort to place the application into condition for allowance with claims 1-36, and such action is earnestly requested.

The Examiner is encouraged to contact the undersigned by phone if questions remain after consideration of this response, or if such would otherwise facilitate prosecution.

Respectfully submitted,

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